

1701282-Court-A-U.S.
 RICHARD C. POOLE
 ATTORNEY AT LAW
 1510 E ARLINGTON BLVD STE B
 GREENVILLE, NC 27858-0000

IN RE
 BRIAN KEITH SAWYER
 920 SOUNDSIDE ROAD
 EDENTON, NC 27932
 SSN or Tax I.D. XXX-XX-5848

 RENE' WHITLEY SAWYER
 920 SOUNDSIDE ROAD
 EDENTON, NC 27932
 SSN or Tax I.D. XXX-XX-0937

U.S. Bankruptcy Court
 P.O. Box 791
 Raleigh, NC 27602

Chapter 13
 Case Number: 17-01282-5-JNC

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 08/28/2017, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
BRIAN KEITH SAWYER	RICHARD C. POOLE	Joseph A. Bledsoe, III
920 SOUNDSIDE ROAD	ATTORNEY AT LAW	P.O. Box 1618
EDENTON, NC 27932	1510 E ARLINGTON BLVD STE B	New Bern, NC 28563
-----	GREENVILLE, NC 27858-0000	
RENE' WHITLEY SAWYER		
920 SOUNDSIDE ROAD		
EDENTON, NC 27932		

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 28, 2017

Joseph A. Bledsoe, III
 Chapter 13 Trustee
 P.O. Box 1618
 New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

CASE NUMBER: 17-01282-5-JNC

BRIAN KEITH SAWYER

RENE' WHITLEY SAWYER

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on May 10, 2017, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$707.00	for	4	Months
\$3,134.00	for	10	Months
\$909.00	for	46	Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 11, 2017 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 11, 2017 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#004 CARMAX BUSINESS SERVICES, LLC	'13 TOYOTA TACOMA	OUTSIDE
#800 PNC BANK, NATIONAL ASSOCIATION	920 SOUNDSIDE RD	OUTSIDE
#802 PNC BANK, NATIONAL ASSOCIATION	920 SOUNDSIDE RD – ARREARS	\$710.59 TO BE PAID BY TRUSTEE OVER LIFE OF PLAN

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as “Surrender,”

upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b).

#001 AMERICANO BEACH RESULTS	TIMESHARE FEES	SURRENDER
#007 FIRST DATA MERCHANT SERVICES	MISCELLANEOUS	SURRENDER
#011 XENITH BANK	MISCELLANEOUS COLLATERAL	FILED UNSECURED
#900 WEST TOWN BANK & TRUST	113 MORRIS CIRCLE	SURRENDER

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$5,000.00. The Trustee recommends to the Court a fee of \$5,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Joseph A. Bledsoe, III
 Joseph A. Bledsoe, III
 Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 17-01282-5-JNC****DEBTORS: BRIAN KEITH SAWYER
RENE' WHITLEY SAWYER****EMPLOYMENT:**

Debtor: SIMPSON STRONG TIE GROSS INCOME: \$96,328.68
 Spouse: WELCOME HOME REALTY \$36,666.00
 (UNITED COUNTRY DOWD)

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$180,440.00

Date Purchased

Liens \$168,472.00

Purchase Price

Exemptions \$11,968.00

Improvements

Equity \$ 0.00

Insured For

Rent \$1,500.00

Tax Value

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: 113 MORRIS CIRCLE

FMV \$89,320.00

Date Purchased

Liens \$87,179.00

Purchase Price

Exemptions \$2,141.00

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:

Attorney Requested: \$5,000.00 (excluding filing fee)
Fees: Paid: \$1,000.00 (excluding filing fee)
 Balance: \$4,000.00

Trustee's Recommendation: \$5,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$250,564.27	Pay in	\$75,982.00	Priority	100.00%
Priority	\$4,000.00	Less 6.00%	\$4,558.92	Secured	100.00%
Secured	\$710.59	Subtotal	\$71,423.08	Unsecured	27.14%
Unsecured	\$245,853.68	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$71,423.08	Co-Debts	%
Co-Debtor					

Payroll Deduction: Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☒

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☒ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CASE: 1701282 TRUSTEE: 2V COURT: 278
 TASK: 07-26-2017.01030588.LSA000 DATED: 07/28/2017

Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	BRIAN KEITH SAWYER	920 SOUNDSIDE ROAD EDENTON, NC 27932
Joint	RENE' WHITLEY SAWYER	920 SOUNDSIDE ROAD EDENTON, NC 27932
799	000002 RICHARD C. POOLE 1510 E ARLINGTON BLVD STE B	ATTORNEY AT LAW GREENVILLE, NC 27858-0000
008	000011 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
003	000014 BARCLAYS BANK DELAWARE	PO BOX 8803 WILMINGTON, DE 19899
011	000016 XENITH BANK	641 LYNNHAVEN PARKWAY VIRGINIA BEACH, VA 23452
012	000017 XENITH BANK 641 LYNNHAVEN PARKWAY SUITE 200	C/O DAVID CLARK VIRGINA BEACH, VA 23452
009	000012 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
017	000022 WEST TOWN BANK & TRUST 301 E MAIN STREET	HORNTHAL RILEY ELLIS & MALAND LLP ELIZABETH CITY, NC 27909
015	000020 W. BROCK MITCHELL 301 EAST MAIN ST	HORNTHAL RILEY ELLIS & MALAND, LLP ELIZABETH CITY, NC 27909
006	000010 CHOWAN COUNTY TAX COLLECTOR BANKRUPTCY DEPARTMENT	P.O. BOX 1030 EDENTON, NC 27972-0000
014	000019 NEIL JONAS ATTORNEY AT LAW 8757 RED OAK BLVD SUITE 150	ATTORNEY AT LAW CHARLOTTE, NC 28217-1965
004	000004 CARMAX BUSINESS SERVICES LLC	225 CHASTAIN MEADOWS COURT KENNESAW, GA 30144
005	000005 CARMAX BUSINESS SERVICES LLC	225 CHASTAIN MEADOWS COURT KENNESAW, GA 30144
007	000006 FIRST DATA MERCHANT SERVICES STE 2000	5565 GLENRIDGE CONNECTOR NE ATLANTA, GA 30342
001	000003 AMERICANO BEACH RESULTS 1260 NORTH ATLANTIC AVE	ATTN: MANAGER OR OFFICER DAYTONA BEACH, FL 32118
018	000023 PNC BANK NATIONAL ASSOCIATION	P. O. BOX 94982 CLEVELAND, OH 44101
010	000015 PNC BANK	PO BOX 5570 CLEVELAND, OH 44101-0570
800	000007 PNC BANK, NATIONAL ASSOCIATION *CM	3232 NEWMARK DRIVE MIAMISBURG, OH 45342
802	000008 PNC BANK, NATIONAL ASSOCIATION *CM	3232 NEWMARK DRIVE MIAMISBURG, OH 45342
013	000018 PNC BANK, NA	3232 NEWMARK DRIVE MIAMISBURG, OH 45342
900	000009 WEST TOWN BANK & TRUST *CM	320 N. MERIDIAN, SUITE 1011 INDIANAPOLIS, IN 46204
016	000021 LANDAUER	PO BOX 809051 CHICAGO, IL 60680

CERTIFICATE OF MAILING

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CASE: 1701282 TRUSTEE: 2V COURT: 278
TASK: 07-26-2017.01030588.LSA000 DATED: 07/28/2017

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002 000013 BANK OF AMERICA, N.A.

PO BOX 982284
EL PASO, TX 79998-2238

26 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 07/28/2017.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 07/28/2017 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail